


1992

## Remarks: The Second Century of the Second Circuit

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# The Second Century of the Second Circuit

## A. Humor

- I. Call Dial-A-Prayer + ask for their messaged
- II. Psych to heaven: "I think he's a federal judge"
- III. Choice of heaven or hell: "that was for summer associates"
- IV. 90 yr old - 35 - sec to time sheets
- V. Had some United States

## B. "Planning for the Second Century of the Second Circuit Court of Appeals."

Is very much in need of input from bar not long-term planning. This Comm = valuable studies but held long term suggestions as perhaps. need to hear from consumers of judicial services & to serve public than attys

Its 1891 - Evarts Act - overhaul in US by Ct + Dist + Circ (trial + appeal) Ct. Federal govern jurisd. Eff aware in public law. 2nd Circ - 3 Jff - 196 cases mostly admn altg = 150 Jff. 1991 - 13 Jff nearly 3500 cases! This year more Jff with 15% "shootfall" + growing.

## C. Proposals for structural changes (683-687)

- I. National Court of Appeals, jurisd by reference for 1st ct
- II. Consolidation of present Courts of Appeals into one Court with regional divisions

- III. Twenty or thirty regional appellate divisions & then to 1 of 4 or 5 regional appeals tribunals
- IV. National subject matter courts.
- V. Single, centrally-organized Court of Appeals
- VI. Jumbo Circuits.

- D Non-structural items on national basis -
  - I. Ways to resolve inter-circuit conflicts - if first to decide
  - II. Discretionary appeals - by permission
  - III. Discretionary certification to state court systems [Common]
  - IV. Litigation checklist (p 722)
  - V. Diversity jurisdiction - contract & appeal
  - VI. Rules of disclosure (all out)
  - VII. ADR (Alternate Dispute Mech) - how far to go w/ it?
  - VIII. Jones Act + FECA repeal

- E Specific items - Second Circuit
  - I. FAX filing - allowed how close to per of 400s?
  - II. Oral arg (orig 2 hrs + 1 hr writing) Screen so more time for non-trivial cases (per believe more not less arg)
  - III. Sentencing Guidelines cases - to arg reported (depr cases)
  - IV. On line of summary orders - Computer access - no judicial precedent (precedential) value.

③  
IV. Small claims procedures of  
Magistrates FTEA - small damage  
cases - look into doing w/o trial  
if under 10% consistency

V. Oral opinions

VII. Circuit open to all members as  
subject for us have

F. Priorities for federal court  
system most important -  
improves political process -  
judge limited here.

I. Examples of recent proposals of  
local - domestic violence; guns in  
interstate commerce; federal day

II. Criminal cases - what are matters  
of national concern + importance  
Smoking or Beer etc

III. Civil area, what to states  
what to federal, what to agencies. Or  
or protector of individual etc. Efficiency  
of federal courts in civil area

IV. Identify jurisdiction - what scope

"Cassandra and the Second Circuit" 1/7/92

"Second Circuit Ct/ Appeals: Problems + Prognosis"

Steve Brannen - Chf NJAY in 1950s - His

- Copy of rules in pocket - 500 + 400 - public

Now: R 83 FRCP - notice + opportunity to comment

- for local dist ct rules. No as for FRAP 47

Need input - Call Dial - a - prayer + Ask for views

Up 1270 this year - not crisis - fastest grow

But need long term look - particularly growth

- Domestic Violence; Federal Day; Guns in Interstate

Commerce - Civil cases held to priority

Input of bar needed on these issues also

Loss sight of mission - Dev of statistics on Computer

Our mission justice

Specific Items: (Local)

orig rules 2hr limit  
1hr meetings

- Amendment to FRAP eff Dec. 1 allow local rule  
for FAX filing. Ct. decided to leave to pres prop.

- Oral Arguments - 4 screening as more time for  
worthwhile cases. suggest study. <sup>because I believe</sup> (change to 1 hr, not 2 hr)

- Sentencing Guidelines cases - w/o cert rejected

- One line of summary orders - no juris presented.

- Small claims procedure - FICA - use Wright rules

Look into doing of object - local rule - rule 109

- Case open to all ct as substant. for in panel

- Oral opinions

Specific Items (National)

English Rule

Discretionary Appeals

"

direction + state of system <sup>(abuse)</sup>

Federal ~~discretionary~~ checklist

Diversity Juris - contract + prop.

Real inter-circuit conflict

Rule of disclosure - ~~at~~

ADR

Trans - a - case